

THURSDAY, JANUARY 19, 2012
FORTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative Pitts.

Representative Pitts led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Roach; personal

Representative Shepard

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 571 Rep(s). Fitzhugh and Camper as prime sponsor(s).

MESSAGE FROM THE SENATE
January 19, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 515; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 515 -- Memorials, Professional Achievement - Jim and Doris Demos, 2011 Business Legends of the Year. by *Ketron, *Tracy, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Kelsey, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Watson, *Yager, *Ramsey

PERSONAL ORDERS

RULES SUSPENDED

Rep. Hill moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 567 out of order, which motion prevailed.

House Joint Resolution No. 567 -- Naming and Designating - "Certified Registered Nurse Anesthetists Week," January 22-28, 2012. by *Hill.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hill, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 576** -- General Assembly, Statement of Intent or Position - Expresses support for free legal representation for Tennessee citizens in matters regarding denial of unemployment compensation by the department of labor and workforce development. by *Cooper B.

House Consumer and Employee Affairs Committee

***House Joint Resolution No. 577** -- General Assembly, Statement of Intent or Position - Expresses support for establishment of a West Tennessee Veterans Home. by *Cooper B.

House Health and Human Resources Committee

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***House Joint Resolution No. 579** -- Constitutional Amendments - Requires the general assembly to pass laws that require persons 18 years of age and younger to have health insurance. by *Turner M.

House Health and Human Resources Committee

***House Joint Resolution No. 580** -- Memorials, Congress - Urges Congress to stop providing American oil companies with tax breaks. by *Turner M.

House Commerce Committee

***House Joint Resolution No. 581** -- Memorials, Congress - Urges no reduction be made in Medicare benefits. by *Turner M.

House Health and Human Resources Committee

***House Joint Resolution No. 582** -- Memorials, Congress - Urges no reduction be made in Social Security benefits. by *Turner M.

House Finance, Ways and Means Committee

***House Joint Resolution No. 585** -- General Assembly, Statement of Intent or Position - Urges New York to use common sense and sound judgment in disposing of case against Meredith Graves. by *Niceley, *Hall, *Maggart, *Hurley, *Halford, *Keisling, *Weaver, *Matlock, *Faison, *Williams K, *Dunn, *Ramsey.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 23, 2012:

House Joint Resolution No. 588 -- Memorials, Personal Achievement - Gladys C. Best, Republican of the Year. by *Cobb .

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2648** -- Guardianship - As introduced, specifies rights of respondent to petition for appointment of a conservator. - Amends TCA Title 30, Chapter 3; Title 33; Title 34 and Title 71. by *Odom.

***House Bill No. 2649** -- Lottery, Scholarships and Programs - As introduced, revises initial academic requirements for eligibility and the amount of the award of the Tennessee HOPE scholarship beginning with students entering college in 2015-2016; recommends use of net lottery proceeds for TSAA grants for 10 years beginning with 2015-2016. - Amends TCA Title 49, Chapter 4. by *Brooks H.

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***House Bill No. 2650** -- Lottery, Corporation - As introduced, requires the general shortfall lottery subaccount to be maintained at \$100 million instead of at \$50 million; requires comptroller to make an annual report on the adequacy of reserves. - Amends TCA Section 4-51-111. by *Brooks H.

House Bill No. 2651 -- Lottery, Corporation - As introduced, requires the state funding board's approval of the lottery corporation's estimate of maximized net lottery proceeds and for payment of bonuses to lottery corporation executives. - Amends TCA Title 4, Chapter 51. by *Brooks H.

***House Bill No. 2652** -- Hospitals and Health Care Facilities - As introduced, clarifies that endoscopy technicians are sufficient assistants for a physician performing an endoscopic procedure in an ambulatory surgical treatment center. - Amends TCA Title 68, Chapter 57 and Title 68, Chapter 11. by *Evans.

***House Bill No. 2653** -- Education - As introduced, classifies schools teaching high school courses in grades 7 or 8 as secondary schools. - Amends TCA Title 49, Chapter 4; Title 49, Chapter 5 and Title 49, Chapter 6. by *Hawk.

***House Bill No. 2654** -- Bail, Bail Bonds - As introduced, authorizes the suspension or withholding of approval of a professional bondsman if such bondsman was convicted of the equivalent of a Class A misdemeanor in any state. - Amends TCA Section 40-11-125. by *Watson.

***House Bill No. 2655** -- Criminal Offenses - As introduced, creates new Class A felony theft provision if the amount stolen is 250,000 or more; allows state to aggregate value of property stolen into single count if the conduct arose from a common scheme; and changes venue for all offenses graded by value. - Amends TCA Title 39, Chapter 14, Part 1. by *Watson.

***House Bill No. 2656** -- Sexual Offenses - As introduced, makes technical changes to clarify the offenses of soliciting sexual exploitation of a minor and exploitation of minor by electronic means to make language consistent and to copy from another section definitions for certain undefined terms. - Amends TCA Section 39-13-529. by *Dennis.

***House Bill No. 2657** -- Public Utilities - As introduced, revises civil penalties for public utilities that commit extortion or unjust discrimination. - Amends TCA Section 7-82-104; Section 48-69-119; Section 64-4-107; Title 65 and Section 68-221-518. by *Matheny.

***House Bill No. 2658** -- Public Buildings - As introduced, authorizes replicas of certain historically-significant documents to be placed in public buildings. - Amends TCA Title 5, Chapter 7 and Title 6, Chapter 54. by *Hill.

***House Bill No. 2659** -- Taxes, Sales - As introduced, exempts funeral merchandise from sales and use taxes. - Amends TCA Title 67, Chapter 6, Part 3. by *Hill.

***House Bill No. 2660** -- Taxes, Sales - As introduced, exempts farm gates from sales and use taxes. - Amends TCA Title 67, Chapter 6. by *Hill.

***House Bill No. 2661** -- Traffic Safety - As introduced, removes the requirement that any driver or passenger of a motorcycle 21 years of age or older wear a motorcycle helmet. - Amends TCA Section 55-9-302. by *Matheny.

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***House Bill No. 2662** -- Traffic Safety - As introduced, permits motorcycle drivers and passengers, 21 years or older, to refrain from wearing a crash helmet with a health care coverage limit of at least \$15,000. - Amends TCA Section 55-9-302. by *Matheny.

***House Bill No. 2663** -- Education - As introduced, establishes a special joint committee to review and study the establishment of an occupational course of study for students with disabilities. - Amends TCA Title 49, to. by *Hensley.

***House Bill No. 2664** -- Health Care - As introduced, requires health care providers to report injuries that appear to result from an illegal female genital mutilation. - Amends TCA Title 38; Title 39; Title 63 and Title 68. by *Faison.

***House Bill No. 2665** -- Food and Food Products - As introduced, requires that sorghum molasses sold or offered for sale in Tennessee must be labeled as 100 percent pure or not pure; authorizes any person who suffers an injury or death, or an ascertainable loss of money or property, as a result of a violation of the bill to bring an action individually to recover actual damages. - Amends TCA Title 53. by *Faison.

House Bill No. 2666 -- Teachers, Principals and School Personnel - As introduced, allows teachers and principals with superior value added growth data scores to choose those scores to comprise 50 percent or more of their evaluations based on standards set by the state board of education. - Amends TCA Title 49. by *Faison.

House Bill No. 2667 -- Child Custody and Support - As introduced, requires parenting plans to incorporate a residential schedule and specify the percentage of time a child will spend with the mother and the father. - Amends TCA Title 36 and Title 71. by *Faison.

***House Bill No. 2668** -- Consumer Protection - As introduced, prohibits a person from transmitting or causing another person to transmit an unsolicited facsimile advertisement to any public elementary or secondary school or local education agency. - Amends TCA Title 65, Chapter 4, Part 5. by *Faison, *Powers.

***House Bill No. 2669** -- Child Labor - As introduced, specifies that no public funds of this state or any political subdivision thereof shall be allocated to the regulation or enforcement of any change made to certain rules regarding the employment of children in an agricultural setting. - Amends TCA Title 43; Title 50, Chapter 3 and Title 50, Chapter 5. by *Faison.

***House Bill No. 2670** -- Firearms and Ammunition - As introduced, limits reproduction of handgun carry permit records. - Amends TCA Section 10-7-504. by *Faison.

***House Bill No. 2671** -- Employees, Employers - As introduced, clarifies that the requirement for the distribution to servers of service charges or gratuities automatically added to a bill does not apply to charges or fees paid by guests to stay at a guest ranch. - Amends TCA Title 50, Chapter 2, Part 1. by *Faison.

***House Bill No. 2672** -- Medical Occupations - As introduced, prevents health care practitioners or facilities from asking a patient about gun ownership, possession or storage unless certain factors are present and prevents insurance companies from discriminating against an applicant or insured based upon gun ownership. - Amends TCA Title 56; Title 63 and Title 68. by *Faison.

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***House Bill No. 2673** -- Pest Control - As introduced, requires certain pest control applicators to acquire 15 points of continuing education every three years. - Amends TCA Title 62, Chapter 21, Part 1. by *Faison.

***House Bill No. 2674** -- Teachers, Principals and School Personnel - As introduced, provides \$5,000 annual supplement to full-time classroom teachers who have taught in Tennessee public schools at least three years and who achieve National Board for Professional Teaching Standards certification. - Amends TCA Section 49-5-5609. by *Carr.

***House Bill No. 2675** -- Education - As introduced, requires teachers instructing in subjects wherein an end-of-course exam is administered to take such exam, provided annually by the state board of education, and pass with a score of 75 or greater. - Amends TCA Title 49, Chapter 6. by *Carr.

***House Bill No. 2676** -- Forfeiture of Assets - As introduced, provides that 50 percent of the revenue from the sale of certain forfeited vehicles shall go to the state and the remainder to a local government when the state seizes the vehicle but the local government confiscates, tows, stores or conducts the sale of the vehicle. - Amends TCA Title 40, Chapter 33 and Title 55, Chapter 10, Part 4. by *Carr.

***House Bill No. 2677** -- Taxes, Exemption and Credits - As introduced, exempts the sale of all gold and silver bullion that is used as a medium of exchange, security, or commodity from sales tax. - Amends TCA Title 67, Chapter 6. by *Carr.

***House Bill No. 2678** -- Bail, Bail Bonds - As introduced, declares a defendant who is unlawfully present in the United States and has committed certain traffic violations to be deemed a risk of flight for bail purposes; authorizes clerks to set bail for such defendants at a higher amount than normally permitted. - Amends TCA Title 39; Title 40 and Title 55. by *Carr.

***House Bill No. 2679** -- Alcoholic Beverages - As introduced, creates a new farm wine permit; authorizes a farm producer to transport grapes or fruit grown on the farm to a licensed winery for the winery to manufacture, bottle and label the wine as being the product of the farm holding the farm wine permit; places certain requirements on the licensed winery. - Amends TCA Section 57-3-201 and Section 57-3-207. by *Sanderson, *Casada, *Weaver, *Niceley, *Maggart.

***House Bill No. 2680** -- Gas, Petroleum Products, Volatile Oils - As introduced, requires gasoline retailers in this state to offer at least two gasoline pumps that dispense gasoline that does not contain ethanol at each retail station; authorizes the commissioner of agriculture to investigate and assess fines for noncompliance. - Amends TCA Title 47; Title 60 and Title 67. by *Womick.

***House Bill No. 2681** -- Teachers, Principals and School Personnel - As introduced, makes K-12 teachers state employees. - Amends TCA Title 8 and Title 9. by *Womick, *Curtiss.

House Bill No. 2682 -- Highway Signs - As introduced, names bridge on S.R. 99 in Rutherford County in honor of late Lance Corporal Justin Kyle Lewter. by *Womick.

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***House Bill No. 2683** -- Landlord and Tenant - As introduced, limits application of the Uniform Residential Landlord and Tenant Act to counties having a population of more than 75,000 instead of 68,000. - Amends TCA Section 66-28-102. by *Williams R, *Faison, *Sexton, *Hawk.

***House Bill No. 2684** -- Medical Occupations - As introduced, provides immunity to medical doctor or osteopathic physician who makes a report to law enforcement regarding an employee's unauthorized use of the doctor or physician's DEA registration number to write prescriptions. - Amends TCA Title 63, Chapter 9 and Title 63, Chapter 6. by *Williams R, *Hensley, *White, *Hurley, *Ragan, *Hall.

House Bill No. 2685 -- Criminal Procedure - As introduced, provides that a prosecution can be commenced for certain offenses committed on or after July 1, 2012, within the applicable period established by law or within one year after the date on which the accused's identity is established through DNA evidence, whichever period is longer. - Amends TCA Title 39 and Title 40. by *Camper.

House Bill No. 2686 -- Sentencing - As introduced, deletes outdated provisions of sentencing law. - Amends TCA Title 40. by *Camper.

House Bill No. 2687 -- Criminal Offenses - As introduced, provides that punishment for killing a police dog when it is acting in its official capacity is theft and punished according to the value of the animal, including the training, but in no event less than a Class D felony. - Amends TCA Title 39. by *Camper.

***House Bill No. 2688** -- Highway Signs - As introduced, designates a certain segment of State Highway 28 in Sequatchie and Marion counties as "Veterans' Memorial Park Highway.". by *Harmon.

***House Bill No. 2689** -- Highways, Roads and Bridges - As introduced, provides that the chief administrative officer of the highway department in Decatur County must have four years of experience in the use of highway construction equipment; withholds certain funds from Decatur County and reallocates such funds to counties subject to existing highway experience qualifications. - Amends TCA Title 54, Chapter 7, Part 1. by *Harmon.

***House Bill No. 2690** -- Property Assessors - As introduced, requires property assessor to set parcel identification numbers for subdivided lots effective at time of division and to prorate assessment between parent property and divided parcels; provides supplemental tax resulting in added value to divided parcel assigned only to such parcel. - Amends TCA Title 67, Chapter 5. by *Todd.

***House Bill No. 2691** -- Special License Plates - As introduced, authorizes issuance of brain injury awareness new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to Brain Injury Association of Tennessee. - Amends TCA Title 55, Chapter 4. by *Lundberg.

***House Bill No. 2692** -- Criminal Offenses - As introduced, enhances the penalty for indecent exposure and public indecency where the crimes occur under certain circumstances on school property. - Amends TCA Title 39, Chapter 13 and Title 40. by *Casada.

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House Bill No. 2693 -- Highways, Roads and Bridges - As introduced, directs the commissioner of transportation to study the feasibility of widening a portion of Winchester Road in Shelby County in consultation with the departments of economic and community development and of environment and conservation. - Amends TCA Title 4 and Title 54. by *Cooper B.

***House Bill No. 2694** -- Day Care - As introduced, requires certain training and educational requirements on care givers for child care agencies and provides for certain eligibility for financial assistance under lottery scholarship and grant programs for such care givers. - Amends TCA Title 49 and Title 71. by *Cooper B.

House Bill No. 2695 -- Criminal Offenses - As introduced, creates Class A misdemeanor offenses of knowingly maiming or harming a service dog, recklessly maiming or harming a service dog and the Class C misdemeanor of interfering with a service dog in the performance of its duties and provides for restitution to the handler of the dog. - Amends TCA Title 39, Chapter 14, Part 2. by *Odom.

***House Bill No. 2696** -- State Employees - As introduced, requires the commissioner of human services to institute a mandatory drug testing program for all state employees and the speaker of the house and senate to jointly institute such a program for legislative employees including members of the general assembly. - Amends TCA Section 50-9-104. by *Turner M.

***House Bill No. 2697** -- Campaigns and Campaign Finance - As introduced, prohibits a person bidding on or awarded a state contract from making contributions to members of the general assembly or the governor during specified periods of time. - Amends TCA Title 2 and Title 12. by *Turner M.

***House Bill No. 2698** -- Criminal Offenses - As introduced, institutes a \$500 reward for reporting a felon in possession. - Amends TCA Title 38; Title 39 and Title 40. by *Turner M.

***House Bill No. 2699** -- Schools, Charter - As introduced, provides that all records of a public charter school are open records to the same extent as those of public schools operated by LEAs; provides that the names of the sponsors and the governing body are open records. - Amends TCA Title 49, Chapter 13. by *Turner M.

***House Bill No. 2700** -- Education, Higher - As introduced, freezes in-state tuition and fees and room and board for three years at the public universities and community colleges. - Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. by *Turner M.

***House Bill No. 2701** -- Drugs, Prescription - As introduced, requires a prescription issued by a physician in order to obtain products with immediate precursor of methamphetamine from a pharmacy. - Amends TCA Title 38; Title 39; Title 40 and Title 63. by *Turner M.

***House Bill No. 2702** -- Education - As introduced, requires cuts to a school district's budget to be made first to funds paid to professional organizations. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 3. by *Turner M.

***House Bill No. 2703** -- Lottery, Corporation - As introduced, allows Tennessee lottery tickets to be purchased with debit cards in addition to cash. - Amends TCA Title 4, Chapter 51, Part 1. by *Turner M.

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***House Bill No. 2704** -- Education - As introduced, prohibits use of state funds to pay dues or other fees required for an LEA to join or be a member of a professional organization. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 3. by *Turner M.

***House Bill No. 2705** -- Personal Property - As introduced, broadens the notice of sale requirements for storage unit owners, and provides storage unit occupants with a remedy if the owner fails to abide by the notice of sale requirements. - Amends TCA Section 66-31-105. by *Turner M.

***House Bill No. 2706** -- Workers Compensation - As introduced, exempts sole proprietors from paying certain fees assessed by the secretary of state's office in relation to workers compensation. - Amends TCA Title 50, Chapter 6. by *Turner M.

***House Bill No. 2707** -- Fees - As introduced, increases expunction fee from \$50.00 to \$350 and requires a payment of \$100 before the bureau issues a certificate of eligibility for diversion. - Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35. by *Turner M.

House Bill No. 2708 -- Business and Commerce - As introduced, repeals the "Equal Access to Intrastate Commerce Act." - Amends TCA Section 4-21-102, Title 7, Chapter 51. by *Turner M.

***House Bill No. 2709** -- Election Laws - As introduced, allows any registered voter in Tennessee to vote by absentee ballot. - Amends TCA Title 2, Chapter 6 and Title 2, Chapter 3. by *Turner M.

***House Bill No. 2710** -- Election Laws - As introduced, enacts "Tennessee Election Day Registration Act." - Amends TCA Title 2, Chapter 7 and Title 2, Chapter 2. by *Turner M.

***House Bill No. 2711** -- Courts - As introduced, abolishes the court of judiciary on October 1, 2012, establishes new 16-member court of judicial conduct with appointments made by supreme court, governor, bar association and each caucus of general assembly. - Amends TCA Title 17, Chapter 5, Part 2. by *Turner M.

***House Bill No. 2712** -- Livestock - As introduced, makes branding of livestock mandatory; requires facilities to obtain written permission of brand holder prior to processing or selling livestock. - Amends TCA Title 44, Chapter 7. by *Turner M.

House Bill No. 2713 -- Sexual Offenders - As introduced, makes the failure of a sexual offender or violent sexual offender to provide a DNA sample as required by law a Class E felony violation of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. - Amends TCA Title 40, Chapter 39, Part 2. by *Turner M.

House Bill No. 2714 -- Highway Signs - As introduced, names bridge in Sullivan County in honor of the late Richard Lee Edwards, Sr. by *Shipley.

***House Bill No. 2715** -- State Government - As introduced, establishes standards for state recognition of Native American Indian tribes. - Amends TCA Title 4. by *Shipley.

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House Bill No. 2716 -- Public Officials - As introduced, authorizes attorneys' fees for a violation of open meetings law if the plaintiff substantially prevails on any part of the claim. - Amends TCA Section 8-44-106. by *Naifeh, *Fitzhugh.

House Bill No. 2717 -- Budget Procedures - As introduced, requires allocation of half of surplus tax revenues to the rainy day fund under specified circumstances and directs commissioner of finance and administration to certify such amount each year. - Amends TCA Title 9, Chapter 4 and Title 67. by *Naifeh, *Fitzhugh.

***House Bill No. 2718** -- Professions and Occupations - As introduced, authorizes state board for licensing alarms systems contractors to refuse to issue a license to an applicant who has been convicted of a crime indicating lack of good moral character. - Amends TCA Title 62. by *Marsh.

***House Bill No. 2719** -- Railroads - As introduced, changes deadline for submission of annual report concerning railroad companies' affairs to the department of transportation from February 1 to February 15. - Amends TCA Section 5-5-118; Title 7; Section 35-3-108; Section 55-8-147; Title 57, Chapter 4; Title 64, Chapter 2; Title 65 and Section 69-1-114. by *Dean.

***House Bill No. 2720** -- Railroads - As introduced, adds Chattanooga to the list of cities in which public notice by newspaper must be provided prior to any meeting of a railroad company's stockholders to approve the issuance of bonds and stock. - Amends TCA Title 65. by *Dean.

***House Bill No. 2721** -- Driver Licenses - As introduced, requires that all written and oral examinations administered by the department of safety for issuance of driver licenses, intermediate driver licenses, temporary driver licenses and temporary intermediate driver licenses be in English only. - Amends TCA Title 55, Chapter 50, Part 3. by *Pody, *Alexander, *Butt, *Hensley, *Weaver, *Ragan.

***House Bill No. 2722** -- Motor Vehicles - As introduced, deletes the June 30, 2012, repeal date for the reduced payment option available to persons in Davidson County whose licenses have been suspended for certain driving offenses and who have outstanding fines and costs. - Amends TCA Section 55-50-502. by *Gilmore.

House Bill No. 2723 -- TennCare - As introduced, prohibits bureau of TennCare from paying for psychotropic prescription drugs that are not used for certain medically indicated uses in the medical assistance program. - Amends TCA Title 71. by *Hill.

***House Bill No. 2724** -- Drugs, Prescription - As introduced, revises the list of prescribed medication for patients at a pain management clinic. - Amends TCA Title 63, Chapter 1. by *Ramsey.

***House Bill No. 2725** -- Welfare - As introduced, requires applicants for TANF benefits to undergo a drug test before receiving such benefits; restricts TANF benefits for positive drug test results under certain circumstances. - Amends TCA Title 4, Chapter 3, Part 12; Title 4, Chapter 3, Part 18 and Title 71. by *Hurley.

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***House Bill No. 2726** -- Short Term Loans and Lenders - As introduced, increases the shareholder ownership requirement from 5 percent to 10 percent to obtain a deferred presentment license; establishes a multi-state automated licensing system for deferred presentment services; authorizes the commissioner to set fees and deadlines for applications; promulgates rules and regulations; and implements sharing agreements between government agencies to use the multi-state automated licensing system. - Amends TCA Title 45, Chapter 17. by *Sargent.

***House Bill No. 2727** -- Contractors - As introduced, requires the penalty for engaging in the business of a contractor without a license be adjusted every two years to reflect the percentage of change in the average CPI, all items-city average; requires the board to publish each adjusted amount on its web site. - Amends TCA Title 62, Chapter 6 and Title 66. by *Curtiss.

***House Bill No. 2728** -- Insurance, Health, Accident - As introduced, revises obsolete language related to independent practitioner of social work for purposes of reimbursement under medical, hospital and medical service plans and insurance by replacing it with current licensure terminology of a person duly licensed to engage in independent practice as a licensed clinical social worker. - Amends TCA Section 56-7-2401 and Section 56-7-2402. by *Pitts.

House Bill No. 2729 -- Safety, Dept. of - As introduced, directs the department to conduct a study of motorcycle passenger safety, emphasizing the safety of motorcycle riders and passengers under 18, and report its results and recommendations to the house and senate transportation committees. - Amends TCA Title 55. by *Pitts.

House Bill No. 2730 -- Election Laws - As introduced, allows valid photograph identification cards issued to students at public institutions of higher learning in Tennessee to be used for voting. - Amends TCA Section 2-7-112. by *Pitts.

House Bill No. 2731 -- Sentencing - As introduced, increases the time a civil judgment for restitution ordered as a condition of probation that remains unpaid would remain in effect from "10 years" to "20 years." - Amends TCA Title 39 and Title 40, Chapter 35. by *Pitts.

House Bill No. 2732 -- Sexual Offenders - As introduced, requires the TBI to report sexual offender registration and certain related information to the FBI "within 48 hours of receiving such information" instead of "promptly." - Amends TCA Title 40, Chapter 39. by *Pitts.

House Bill No. 2733 -- Sexual Offenses - As introduced, increases from \$1,500 to \$2,000 the fine that may be imposed for a third or subsequent public indecency offense. - Amends TCA Title 39, Chapter 13 and Title 39, Chapter 17. by *Pitts.

House Bill No. 2734 -- Motor Vehicles - As introduced, requires recreational vehicles leased to consumers to have working carbon monoxide detectors; allows court costs and attorney's fees in civil suits for damages from failure to comply with this requirement. - Amends TCA Title 55, Chapter 9. by *Pitts, *Johnson C.

House Bill No. 2735 -- Taxes, Exemption and Credits - As introduced, exempts from sales tax the purchase of solar panels for legitimate business or commercial purposes. - Amends TCA Title 67, Chapter 6, Part 3. by *Pitts.

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House Bill No. 2736 -- Taxes, Exemption and Credits - As introduced, exempts from sales tax the purchases of solar panels exclusively for residential use. - Amends TCA Section 67-6-334. by *Pitts.

House Bill No. 2737 -- Taxes, Exemption and Credits - As introduced, extends property tax relief to the surviving spouse of a veteran whose death results from a service-connected disability. - Amends TCA Section 67-5-704. by *Pitts.

***House Bill No. 2738** -- Teachers, Principals and School Personnel - As introduced, prohibits abolition of a position as a means of avoiding dismissal charges against a teacher; specifies certain procedures for rejecting a teacher whose position has been abolished for reemployment. - Amends TCA Title 49, Chapter 5, Part 5. by *Pitts.

***House Bill No. 2739** -- Education - As introduced, makes failure by local boards of education and their representatives or professional employees' organizations and their representatives to participate in good faith in collaborative conferencing unlawful. - Amends TCA Title 49, Chapter 5, Part 6. by *Pitts.

***House Bill No. 2740** -- Education - As introduced, prohibits local board of education from avoiding or refusing to participate in collaborative conferencing; requires board to present a proposed MOU's content to professional employees and to provide opportunity for employees to express their concerns to the board before the board acts on the MOU. - Amends TCA Title 49, Chapter 5, Part 6. by *Pitts.

***House Bill No. 2741** -- Education - As introduced, requires local boards of education to provide payroll deduction options for employee benefits. - Amends TCA Title 49, Chapter 2, Part 2. by *Pitts.

House Bill No. 2742 -- Taxes, Sales - As introduced, revises requirements for apportionment of state sales taxes to eligible municipalities that plan economic development projects; authorizes municipalities to include subsequently annexed property as a part of a project under certain circumstances. - Amends TCA Title 6, Chapter 51, Part 1; Title 7, Chapter 40, Part 1 and Section 67-6-103. by *Pitts.

House Bill No. 2743 -- Lottery, Scholarships and Programs - As introduced, broadens eligibility for the HOPE scholarship by removing the requirement that a military parent's home of record or residence is Tennessee if a student qualifies to be classified as an in-state student and meets other specified requirements. - Amends TCA Title 49, Chapter 4, Part 9. by *Pitts.

House Bill No. 2744 -- Child Custody and Support - As introduced, amends the Criminal Injuries Compensation Fund to provide an attachment or lien on the judgment to satisfy child support arrearages. - Amends TCA Title 29, Chapter 13. by *Pitts.

House Bill No. 2745 -- Drugs, Prescription - As introduced, prohibits pain management clinics and prescribers at such clinics from prescribing certain drugs to a patient in an amount that exceeds the drug manufacturer's recommended dosage. - Amends TCA Title 39; Title 53; Title 63 and Title 68. by *Hawk.

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House Bill No. 2746 -- Senate - As introduced, changes T.C.A. to reflect renaming of the senate environment, conservation and tourism committee as the "senate energy and environment committee." - Amends TCA Title 4; Title 7; Title 8; Title 9; Title 11; Title 43; Title 67; Title 69 and Title 70. by *Hawk.

***House Bill No. 2747** -- Licenses - As introduced, increases the minimum fees for unrestricted initial staff leasing company licenses and renewals thereof from \$100 for residents and \$150 for nonresidents to \$150 and \$200 respectively. - Amends TCA Title 56, Chapter 56 and Title 62, Chapter 43. by *Haynes.

House Bill No. 2748 -- Education - As introduced, enacts the "Equal Opportunity Scholarship Act." - Amends TCA Title 49, Chapter 6. by *Dunn.

***House Bill No. 2749** -- DUI Offenses - As introduced, requires judge to order use of functioning ignition interlock system if judge grants application for a restricted license following an implied consent violation for refusing to take alcohol test. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Maggart, *Gotto, *Hurley, *Faison.

***House Bill No. 2750** -- DUI Offenses - As introduced, expands present law to provide that it is not a defense to a violation of the DUI statute that a person is or was lawfully entitled to use an intoxicant, marijuana, controlled substance, or other drug. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Maggart, *Gotto.

***House Bill No. 2751** -- DUI Offenses - As introduced, increases penalty for violation of DUI statute when child under 18 is in the vehicle to require that the mandatory minimum 30-day sentence for this offense be served consecutive to any sentence received for a violation of specified other alcohol-related offenses. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Hurley, *Maggart, *Gotto, *Faison.

***House Bill No. 2752** -- DUI Offenses - As introduced, clarifies that a person may be compelled to submit to an alcohol test under the implied consent law by other provisions of law, court order or search warrant. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley.

***House Bill No. 2753** -- Education - As introduced, authorizes local boards of education to receive federal or private grants and to expend grant funds for purposes of the grant without seeking approval of or appropriation by the local legislative body; unless the grant requires matching funds. - Amends TCA Title 49, Chapter 2. by *Hensley.

***House Bill No. 2754** -- Libraries - As introduced, clarifies existing law regarding term length and board membership of city and county library boards. - Amends TCA Title 10, Chapter 3. by *Dean.

House Bill No. 2755 -- Criminal Offenses - As introduced, creates the crime of "retail theft." - Amends TCA Title 39, Chapter 14 and Title 40. by *Elam.

House Bill No. 2756 -- Special License Plates - As introduced, authorizes issuance of special license plates for concerns of police survivors (COPS). - Amends TCA Title 55, Chapter 4. by *Elam.

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***House Bill No. 2757** -- TennCare - As introduced, decreases the notification timeframe for an enrollee or applicant to notify the bureau of any documentation changes from 30 days to 15. - Amends TCA Title 68 and Title 71. by *Casada.

***House Bill No. 2758** -- Hospitals and Health Care Facilities - As introduced, increases reporting requirements for the department of health, health care and services facilities, and entities receiving grants from annual to biannual. - Amends TCA Title 68. by *Casada.

***House Bill No. 2759** -- Hospitals and Health Care Facilities - As introduced, deletes the requirement that recommendations regarding public needs allowance to the general welfare, health and human resources committee of the senate and to the health and human resources committee of the house be received no later than the second Tuesday in January 2010. - Amends TCA Title 68 and Title 71. by *Casada.

***House Bill No. 2760** -- Welfare - As introduced, establishes that the final study of medical assistance program and any participating managed care organizations be reported to the finance, ways and means committees of the senate and the house, the office of legislative budget analysis and the fiscal review committee on or before April 1 of each year, instead of April 15. - Amends TCA Title 71. by *Casada.

House Bill No. 2761 -- Criminal Offenses - As introduced, removes the requirement that a defendant must use force against a law enforcement officer in order to commit the offense of resisting a stop, frisk, halt or search. - Amends TCA Title 39, Chapter 16, Part 6. by *Forgety.

***House Bill No. 2762** -- Tennessee Higher Education Commission - As introduced, requires THEC's annual report to be published prior to February 1 of each year, rather than February 15. - Amends TCA Title 49. by *Haynes.

House Bill No. 2763 -- Sentencing - As introduced, makes elected and appointed public officials ineligible for diversion for criminal offenses committed in their official capacity or that involve the duties of their offices. - Amends TCA Title 39 and Title 40. by *Haynes.

House Bill No. 2764 -- Contractors - As introduced, revises certain requirements concerning retainage. - Amends TCA Title 66, Chapter 34, Part 1. by *Curtiss.

***House Bill No. 2765** -- Real Property - As introduced, authorizes any town, city, county, county with a metropolitan government, the state or any not-for-profit to purchase, preserve, and sell development rights. - Amends TCA Section 13-7-101 and Section 13-7-201. by *Sargent.

***House Bill No. 2766** -- Libraries - As introduced, requires CTAS to conduct a study of county librarians' salaries in this state as compared to those in states bordering this state; to recommend an appropriate minimum pay scale, if deemed necessary; and to submit the study to the state and local government committees on or before January 1, 2013. - Amends TCA Title 5; Title 6; Title 7; Title 8 and Title 10. by *Keisling.

***House Bill No. 2767** -- Tennessee Wildlife Resources Agency - As introduced, requires any shooting range on lands managed by the agency to be open to access and use during normal business hours to all persons possessing a Tennessee hunting license. - Amends TCA Section 38-8-116 and Title 70. by *Keisling.

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***House Bill No. 2768** -- Herbal Products and Natural Foods - As introduced, prohibits harvesting wild ginseng outside of wild ginseng harvest season from any land not owned by such person, and removes present intent that such harvesting be for the purpose of sale or export. - Amends TCA Title 70, Chapter 8, Part 2. by *Keisling.

***House Bill No. 2769** -- County Government - As introduced, authorizes counties to develop first responder teams to address emergency situations in their county; grants authority to such first responder teams to take certain measures to secure the affected area and minimize harm to persons and property. - Amends TCA Title 5, Chapter 1 and Title 7, Chapter 1. by *Brooks H.

***House Bill No. 2770** -- Utilities, Utility Districts - As introduced, requires the utility management review board to develop a process to permit subscribers of a district to submit names for vacancies on the board of commissioners. - Amends TCA Section 7-82-307. by *Brooks H.

***House Bill No. 2771** -- Contractors - As introduced, enacts the "Electricians Licensing Act"; requires persons performing electrical work under a contract for more than \$5,000 of work to be licensed. - Amends TCA Title 62, Chapter 6. by *Brooks H.

***House Bill No. 2772** -- Taxes, Exemption and Credits - As introduced, exempts from taxation the purchases or leases of golf carts, equipment and lawn care products by golf course operators. - Amends TCA Title 67, Chapter 6, Part 3. by *Ford .

***House Bill No. 2773** -- Licenses - As introduced, provides that a person who has been licensed as a court reporter for at least five years and who is at least 55 years of age is not required to obtain continuing education credits as a condition for license renewal. - Amends TCA Title 20, Chapter 9, Part 6. by *Ford .

***House Bill No. 2774** -- Criminal Procedure - As introduced, increases expunction fee following the successful completion of diversion programs. - Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35. by *Watson.

***House Bill No. 2775** -- Dentists and Dentistry - As introduced, authorizes collaborative practice between dentists and dental hygienists in certain circumstances. - Amends TCA Section 63-5-108. by *Hill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2576 -- Special License Plates -- House Transportation Committee

House Bill No. 2577 -- Taxes, Privilege -- House Finance, Ways and Means Committee

House Bill No. 2578 -- Education -- House Education Committee

House Bill No. 2579 -- Lottery, Scholarships and Programs -- House Education Committee

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House Bill No. 2580 -- Budget Procedures -- House Finance, Ways and Means
Committee

House Bill No. 2581 -- Energy -- House Education Committee

House Bill No. 2582 -- Taxes, Exemption and Credits -- House Commerce Committee

House Bill No. 2583 -- State Government -- House State and Local Government
Committee

House Bill No. 2584 -- Insurance Companies, Agents, Brokers, Policies -- House
Commerce Committee

House Bill No. 2585 -- Election Laws -- House State and Local Government Committee

***House Bill No. 2586** -- Election Laws -- House State and Local Government
Committee

House Bill No. 2587 -- Highway Signs -- House Transportation Committee

House Bill No. 2588 -- Highway Signs -- House Transportation Committee

House Bill No. 2589 -- Aircraft and Airports -- House Transportation Committee

House Bill No. 2590 -- Sexual Offenders -- House Judiciary Committee

***House Bill No. 2591** -- Motor Vehicles -- House Transportation Committee

***House Bill No. 2592** -- Education -- House Education Committee

***House Bill No. 2593** -- Taxes, Sales -- House Finance, Ways and Means Committee

***House Bill No. 2594** -- Taxes, Sales -- House Finance, Ways and Means Committee

***House Bill No. 2595** -- Education -- House Education Committee

***House Bill No. 2596** -- Banks and Financial Institutions -- House Commerce
Committee

House Bill No. 2597 -- Animal Cruelty and Abuse -- House Agriculture Committee

House Bill No. 2598 -- Special License Plates -- House Transportation Committee

House Bill No. 2599 -- Special License Plates -- House Transportation Committee

House Bill No. 2600 -- Taxes, Exemption and Credits -- House Commerce Committee

***House Bill No. 2601** -- Emergency Communications Districts -- House State and Local
Government Committee

***House Bill No. 2602** -- Financial Responsibility Law -- House Judiciary Committee

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***House Bill No. 2603** -- Economic and Community Development, Dept. of -- House Commerce Committee

***House Bill No. 2604** -- Banks and Financial Institutions -- House Commerce Committee

House Bill No. 2605 -- Consumer Protection -- House Consumer and Employee Affairs Committee

***House Bill No. 2606** -- Teachers, Principals and School Personnel -- House Education Committee

***House Bill No. 2607** -- TennCare -- House Health and Human Resources Committee

***House Bill No. 2608** -- Short Term Loans and Lenders -- House Commerce Committee

***House Bill No. 2609** -- Highway Signs -- House Transportation Committee

House Bill No. 2610 -- Open Meetings -- House State and Local Government Committee

House Bill No. 2611 -- Open Meetings -- House State and Local Government Committee

***House Bill No. 2612** -- Business and Commerce -- House Commerce Committee

***House Bill No. 2613** -- Education, Higher -- House Education Committee

House Bill No. 2614 -- Motor Vehicle Commission -- House Transportation Committee

House Bill No. 2615 -- Special License Plates -- House Transportation Committee

House Bill No. 2616 -- Special License Plates -- House Transportation Committee

***House Bill No. 2617** -- Taxes, Exemption and Credits -- House Finance, Ways and Means Committee

***House Bill No. 2618** -- Emergency Communications Districts -- House State and Local Government Committee

***House Bill No. 2619** -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2620** -- Child Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 2621** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 2622** -- Motor Vehicles -- House Commerce Committee

***House Bill No. 2623** -- Open Meetings -- House State and Local Government Committee

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***House Bill No. 2624** -- Credit and Debit Cards -- House Commerce Committee

***House Bill No. 2625** -- Banks and Financial Institutions -- House Commerce Committee

***House Bill No. 2626** -- DNA and Genetic Testing -- House Judiciary Committee

House Bill No. 2627 -- Municipal Government -- House State and Local Government Committee

House Bill No. 2628 -- Taxes -- House State and Local Government Committee

House Bill No. 2629 -- Professions and Occupations -- House Commerce Committee

***House Bill No. 2630** -- Municipal Government -- House State and Local Government Committee

***House Bill No. 2631** -- Special License Plates -- House Transportation Committee

***House Bill No. 2632** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

***House Bill No. 2633** -- Clerks, Court -- House Judiciary Committee

***House Bill No. 2634** -- Traffic Safety -- House Transportation Committee

House Bill No. 2635 -- Taxes, Inheritance Gift -- House Finance, Ways and Means Committee

***House Bill No. 2636** -- Alcoholic Beverages -- House State and Local Government Committee

***House Bill No. 2637** -- State Inmates -- House State and Local Government Committee

***House Bill No. 2638** -- Criminal Offenses -- House Judiciary Committee

House Bill No. 2639 -- Codes -- House Commerce Committee

***House Bill No. 2640** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 2641** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 2642** -- Physicians and Surgeons -- House Health and Human Resources Committee

***House Bill No. 2643** -- State Employees -- House State and Local Government Committee

***House Bill No. 2644** -- Motor Vehicles -- House State and Local Government Committee

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House Bill No. 2645 -- Criminal Offenses -- House Health and Human Resources Committee

***House Bill No. 2646** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

***House Bill No. 2647** -- Special License Plates -- House Transportation Committee

CONSENT CALENDAR

House Resolution No. 161 -- Memorials, Recognition - Sequatchie County Courthouse, 100th anniversary. by *Harmon.

House Joint Resolution No. 569 -- Memorials, Professional Achievement - Ziyuan Liu, Siemens Competition in Math, Science, and Technology Grand Prize Team Winner 2011. by *Ragan.

House Joint Resolution No. 571 -- Memorials, Recognition - St. Agnes Academy, 160th anniversary. by *Coley.

House Joint Resolution No. 572 -- Memorials, Retirement - Melvin G. "Ted" Bryson. by *Watson *Brooks K.

House Joint Resolution No. 573 -- Memorials, Sports - Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl football state champion. by *Wirgau.

House Joint Resolution No. 574 -- Memorials, Sports - James Counce, 2011 Titans High School Football Coach of the Year. by *Wirgau.

House Joint Resolution No. 575 -- Memorials, Professional Achievement - Jimmy Owens. by *Faison.

House Joint Resolution No. 578 -- Memorials, Academic Achievement - LaNell Williams, Valedictorian, City University School of Liberal Arts. by *Cooper B.

House Joint Resolution No. 583 -- Memorials, Professional Achievement - Cassee Cain, Siemens Competition in Math, Science, and Technology Grand Prize Team Winner 2011. by *Ragan.

House Joint Resolution No. 584 -- Memorials, Recognition - Franklin Road Baptist Church Bus Ministry. by *Sparks, *Carr, *Marsh, *Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

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Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Representative Cooper was recognized in the Well in order to introduce LaNell Williams and her family for remarks.

REGULAR CALENDAR

***Senate Joint Resolution No. 221** -- Constitutional Amendments - Proposes additional language in Article II, Section 28 to explicitly prohibit the general assembly from levying, authorizing or otherwise permitting any state or local tax upon payroll or earned personal income or any state or local tax measured by payroll or earned personal income. by *Kelsey, *Berke, *Johnson, *Gresham, *Beavers, *Stewart, *McNally, *Ramsey, *Tracy, *Southerland, *Watson, *Crowe, *Yager, *Ketrn, *Bell, *Campfield, *Summerville, *Faulk, *Norris, *Woodson, *Overbey, *Roberts.

Further consideration of Senate Joint Resolution No. 221 previously considered on May 19, 2011, May 20, 2011, May 21, 2011, and January 10, 2012 for the first three Constitutional readings.

The Clerk read Senate Joint Resolution No. 221.

Rep. Casada moved that Senate Joint Resolution No. 221 be concurred in.

Rep. Naifeh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lundberg moved the previous question, which motion prevailed by the following vote:

Ayes 71
Noes..... 21
Present and not voting..... 1

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Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 71

Representatives voting no were: Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Hardaway, Kernell, Miller L, Moore, Naifeh, Richardson, Shaw, Sontany, Stewart, Towns, Turner J -- 21

Representatives present and not voting were: Gilmore -- 1

Rep. Casada moved that Senate Joint Resolution No. 221 be concurred in, which motion prevailed by the following vote:

Ayes	73
Noes.....	17
Present and not voting.....	3

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Odom, Parkinson, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tidwell, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 73

Representatives voting no were: Camper, Cooper, Curtiss, DeBerry L, Hardaway, Harmon, Kernell, Miller L, Moore, Naifeh, Pitts, Richardson, Shaw, Stewart, Tindell, Towns, Turner J -- 17

Representatives present and not voting were: Armstrong, Gilmore, Sontany -- 3

Senate Joint Resolution No. 221, having been read three separate times on three separate days, received a vote in the affirmative by a majority of the members elected to the Tennessee House of Representatives of the One Hundred Seventh General Assembly and was declared concurred in pursuant to Article II, Section 3 of the Constitution of the State of Tennessee.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Montgomery, **House Bill No. 2577** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

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On motion of Rep. Hurley, **House Bill No. 2194** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Hurley, **House Bill No. 2217** was recalled from the Transportation Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Carr moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 515 out of order, which motion was immediately withdrawn.

BILLS WITHDRAWN

On motion of Rep. Sargent, **House Bill No. 2726** was withdrawn from the House.

BILLS RE-REFERRED

Rep. McCormick moved that the following bill be re-referred from the Health and Human Resources Committee to the Commerce Committee, and that the same be heard in the Commerce Committee next week: **House Bill No. 1923**, which motion prevailed.

ANNOUNCEMENTS

BILL FILING DEADLINE

The Clerk announced that the bill filing deadline in the House would be on the tenth legislative day, February 1, 2012, provided that the House stays on its normal schedule. The Clerk further announced that the Senate had suspended their rules to provide that January 26, 2012 be the bill filing deadline in the Senate.

RULES SUSPENDED

Rep. Carr moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 515 out of order, which motion prevailed.

Senate Joint Resolution No. 515 -- Memorials, Professional Achievement - Jim and Doris Demos, 2011 Business Legends of the Year. by *Ketron.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Carr, with the request that all members voting aye, with the Rutherford County delegation listed first, the resolution was concurred in, with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Pody and Ragan.

A motion to reconsider was tabled.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

REPORTS FILED

The Clerk announced that the proposed amendments to the Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, Rules of Evidence and Rules of Juvenile Procedure were filed with the Clerk's Office, and that the same are available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1376 Rep(s). Lollar and White as prime sponsor(s).

House Bill No. 2240 Rep(s). Elam as prime sponsor(s).

House Bill No. 2338 Rep(s). K. Brooks as prime sponsor(s).

House Bill No. 2340 Rep(s). Elam as prime sponsor(s).

House Bill No. 2342 Rep(s). Watson as prime sponsor(s).

House Bill No. 2354 Rep(s). K. Brooks as prime sponsor(s).

House Bill No. 2362 Rep(s). Butt as prime sponsor(s).

House Bill No. 2363 Rep(s). Faison as prime sponsor(s).

House Bill No. 2364 Rep(s). Hill as prime sponsor(s).

House Bill No. 2366 Rep(s). Matlock as prime sponsor(s).

House Bill No. 2383 Rep(s). Sargent as prime sponsor(s).

House Bill No. 2388 Rep(s). Rich as prime sponsor(s).

House Bill No. 2390 Rep(s). Rich as prime sponsor(s).

**ENROLLED BILLS
January 19, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 161; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
January 19, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s).
161.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
January 19, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 567, 569, 571, 572, 573, 574, 575, 578, 583 and 584.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
January 19, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
January 19, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
January 19, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
January 19, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 518, 519, 521, 524, 528, 529, 530, 531, 532, 533, 534, 536, 537, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553 and 555; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 5:00 p.m., Monday, January 23, 2012.